

# NATIONAL CONGRESS OF AMERICAN INDIANS

## NCAI Testimony to the Senate Committee on Indian Affairs on the FY 2010 Budget

March 10, 2009

On behalf of the tribes of the National Congress of American Indians (NCAI), we are pleased to share tribal priorities for the FY 2010 federal budget. President Obama released a broad budget plan for FY 2010 and from what NCAI has reviewed of the blueprint so far, the new Administration plans to ensure America's promise extends to the entire nation, including throughout Indian Country.

After tribes witnessed years of declining resources for critical Indian programs in the federal budget, the attention President Obama's FY 2010 proposed budget has given to tribal priorities is a welcome change. One of the misplaced priorities of the previous eight years was the under funding of programs that support tribal self-determination and self-governance. This Committee has heard often of the social and economic challenges facing Indian Country. This Committee has also heard that the recent resurgence of tribal self-determination has resulted in measurable improvements in the poverty, income, and unemployment among Indian people.

Indian tribes are re-building our nations in ways that honor our ancestors and cultures as well as meeting the demands and opportunities of living in the modern world. An analysis of socio-economic change between 1990 and 2000 showed that Indian Country economies grew at a faster pace than the economy as a whole. Although Indian tribes have made great strides in addressing the long accumulated economic deficits in our communities, much work remains to be done. Tribes also have a critical role to play in the recovery as the nation pulls out of the current destructive recession. As the President and Congress aim to invest in people to strengthen the middle class and the drivers of economic growth, NCAI looks forward to tribal self-determination playing a part in the solution. To ensure tribes continue to make progress, sustained investment in tribal governments and programs that support self-determination will be critical in FY 2010. With the new Administration and the FY 2010 budget request, there is renewed hope in Indian Country.

The President's FY 2010 budget priorities appear to align with many of Indian Country's priorities: education, health care, infrastructure, and clean energy. NCAI commends the Administration for stating at the outset that it supports the principle of tribal self-determination. Although the details of the President's full FY 2010 budget are not available, the information we have from the outline includes increases for the top funding priorities for tribes: such as the Indian Health Service, public safety and justice in both the Bureau of Indian Affairs (BIA) and Department of Justice, and education at BIA and at the Department of Education. Another area tribal leaders have prioritized for FY 2010 is water resources and water rights. The President's budget proposes funding for a western water conservation initiative that supports the development, management, and restoration of water and natural resource in 17 western states and tribal lands. NCAI looks forward to working with the Administration and Congress to ensure that tribes are adequately included in this western water initiative.



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**Jacqueline Johnson**  
*Tlingit*

**NCAI HEADQUARTERS**  
1301 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20036  
202.466.7767  
202.466.7797 fax  
www.ncai.org

NCAI has worked with tribal leaders, national Indian organizations, single-issue organizations and budget advisory groups to develop recommendations on the FY 2010 budget. NCAI looks forward to working with this Committee as the details of the FY 2010 budget are released in April.

### ***Public Safety and Justice***

Tribal governments serve as the primary instrument of law enforcement and justice delivery for the more than 50 million acres of land that comprise Indian Country. Across the nation, tribal leaders have called for more resources, making public safety and justice the top priority in budget for FY 2010. As a result of historic underfunding and complex jurisdiction issues, American Indians experience disproportionately high rates of violent crime. In October 1997, the Executive Committee for Indian Country Law Enforcement Improvements issued its final report to the Attorney General and the Secretary of the Interior. The report concluded that “there is a public safety crisis in Indian Country,” and “the single most glaring problem is a lack of adequate resources in Indian Country.”<sup>1</sup> In the wake of this report, funding for tribal justice systems was increased for several years. Ten years later, however, funding levels have been cut and law enforcement and justice systems in Indian Country are once again operating without the resources they need. As a result, tribal communities continue to suffer crisis levels of crime.

- Increase funding for **BIA law enforcement** by 10 percent and continue increases in funding until the gap in funding for tribal communities is closed.
- Significantly increase **detention center maintenance and construction** until the gap in law enforcement funding for tribal communities is closed.
- Increase funding for **tribal courts by \$25 million**. Tribal courts are overwhelmed with hundreds of serious cases declined by U.S. attorneys as well as increasing meth and drug crimes. Tribal courts have been level funded for at least the last five years. The Senate version of the Recovery Act included \$25 million for tribal courts that was stripped from the final bill.
- Increase funding for **juvenile justice programs** and provide a 10 percent tribal set-aside by increasing the Tribal Youth Program to \$36 million; provide a separate construction fund for regional tribal juvenile facilities.
- Fully fund the programs under the **Violence Against Women Act**, including \$1 million for the National Tribal Sex Offender and Order of Protection Registry and \$1 million for the baseline study of violence against Indian women.

### ***Homeland Security***

Tribal governments, have broad emergency and first responder responsibilities, as well as extensive border security responsibilities including immigration, anti-terrorism and smuggling.

- Set aside a minimum of one percent of the total of tribal formula set-aside for the DHS “**Tribal Homeland Security Grant Program**”.
- Fund the **tribal governmental ID improvement grants** at \$20 million within the Western Hemisphere Travel Initiative or REAL ID programs.
- Fund the **state and local reimbursement fund** at \$20 million, specifically to reimburse tribal governments for Tribal expenditures covering federal border responsibilities.
- Provide a \$5 million grant for the creation of a **national tribal ID database**.

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<sup>1</sup> U.S. Department of Justice, Criminal Division. (1997, October). Report of The Executive Committee for Indian Country Law Enforcement Improvements to the Attorney General and the Secretary of the Interior. Washington, DC: Office of the Deputy Assistant Attorney General.

### ***Education***

To ensure that Native students—from pre-school to college—meet the same challenging academic standards as other populations and experience the benefits of a quality and supportive education, it is imperative that the federal government uphold its responsibility for the education of Indian people.

- Provide \$195.5 million for **Title VII** funding under the No Child Left Behind Act.
- Increase **Impact Aid funding** to adjust for inflation and population growth.
- Provide \$10 million for **Head Start** funding.
- Provide \$32 million for **Title III, Higher Education Act**.
- Provide \$62 million (one-time) forward funding for **Tribal Colleges and Universities**.
- Provide \$10 million for **Tribal Education Departments**.
- Provide a \$120.5 million increase for **Bureau of Indian Affairs Indian school construction and repair**.
- Provide \$10 million for **Esther Martinez language programs** under the Administration for Native Americans.

### ***Health Care***

The President has proposed \$4 billion total for IHS, which would provide a badly needed increase for Indian health care. NCAI will work with Congress to ensure the proposed increase for IHS stays in the budget throughout the appropriations cycle. NCAI commends the Administration for heeding the calls of tribal leaders in providing increased resources for Indian health.

- Increase **Indian Health Service** funding by \$908 million.
- Fully fund **IHS contract support costs**.
- \$15 million to fund **SAMHSA Behavioral Health Services Grants** for American Indian and Alaska Natives.

### ***Indian Child Welfare and Human Services Needs***

American Indian and Alaska Native children and their families and communities have some of the greatest needs in the areas of child abuse and neglect and mental health services, but also have some of the most restricted access to resources to address these pressing issues. By funding tribal governments directly from federal resources, for many of which they are not currently eligible for, the federal government is honoring the trust relationship and empowering tribal communities and governments with the best opportunity to change the dynamics that bring children, youth, and families into child welfare, mental health, and juvenile justice service systems.

- Increase funding for **Indian Child Welfare** (funded in BIA in Tribal Priority Allocations) by \$45 million.
- Increase **Urban Indian Child Welfare Programs** by \$10 million.
- Increase **Behavioral Health Services, Indian Health Services** by \$50 million.
- Increase **Child Welfare Assistance, Bureau of Indian Affairs** by \$50 million.
- Increase **Circles of Care, Substance Abuse and Mental Health Services Administration** by \$5 million.
- Restore **Miscellaneous Assistance (Disaster Assistance)** program to full FY 2006 funding level.
- Restore \$21.9 million in the **Welfare Assistance program**.

### ***Economic Development***

Congress should continue to invest in sound economic policies that have proven to pay dividends in the form of greater individual and tribal government self determination. Sound business and economic policies have increased job opportunities for individuals, contracting opportunities for business owners and created a better quality of life for tribal citizens through increased government programs. The following business and economic development programs are among those proven to be successful; however, they are either underfunded or not given enough support to meet their stated objectives.

- Increase funding to \$10 million for Native economic development initiatives at the **Native Community Development Financial Institutions Fund (NCDFI)** or 10 percent of the CDFI Fund's appropriation, whichever is greater.
- Increase line-item funding to \$5 million for the **Native American Outreach Program (Small Business Administration)**.
- Provide \$1 million for **Dedicated Government Contracting Oversight Funding for Office of Native American Affairs (Small Business Administration)**.
- Provide \$20 million for **Surety Bonding Capacity (Small Business Administration)**.
- Provide \$3 million for the **Office of Native American Business Development (Department of Commerce)**.
- Provide \$3 million for the **Minority Business Development Agency (Department of Commerce)**.
- Provide \$8 million for additional **BIA Business Loan Guarantee Funding (Bureau of Indian Affairs – Office of Indian Energy and Economic Development)**.
- Provide \$39 million for expanded **BIA Loan Guarantee for Surety Bonding (Bureau of Indian Affairs – Office of Indian Energy and Economic Development)**.

### ***Agriculture***

Agriculture is the second leading employer in Indian Country and is the backbone of the economy for about 130 Native American Tribes. Because 36 percent of Native Americans live in rural areas, tribal governments and farmers look to active partnerships with the United States Department of Agriculture (USDA) to sustain and advance common interests across the broad array of services that USDA provides to tribal governments.

- Increase funding for the **Federally Recognized Tribal Extension Program** by \$10 million.
- Fund the **RMA Community Outreach and Assistance Partnership Program** at least at its FY 2008 level.
- Fully fund the authorized amount of \$25 million for **broadband access**, with a substantial percentage towards tribal areas.
- Provide \$10 million for the **USDA Rural Development's Business and Industry Loan Program**.

### ***1994 Land Grant Institutions***

- Increase the \$5 million existing funding for the **1994 Extension Program** by \$1.7 million.
- Provide \$3 million for the **1994 Research Program**.
- Provide \$3.3 million for the **Educational Equity Grant Program**.
- Provide \$12 million for the **1994 Native American Endowment Account**.
- Provide \$5 million for the **Tribal College Rural Development Essential Community Facilities Program**.

### ***Environmental Protection***

Tribes, often with close spiritual, cosmological, and cultural relationships to their homelands and resources, face the direct impacts of environmental degradation, contamination and climate change. In order to preserve and enhance the environmental quality of Indian Country for present and future generations and sustain tribal cultures, tribes deserve equitable funding for their environmental programs.

- Provide \$68.3 million for the **Indian Environmental General Assistance Program**.
- Provide \$10 million for a new set-aside for the **Direct Implementation Tribal Cooperative Agreements** program.
- Provide \$67.2 million for tribes in the **Clean Water and Drinking Water State Revolving Funds (SRFs)**.
- Provide \$25 million for **Targeted Watershed Grants**.
- Provide \$22 million for **Section 103/105 Grants for Indian Tribes**.
- Provide \$1.5 billion for **Superfund**.
- Provide \$10 million for **solid waste priorities** in the GAP funding specifically to enable tribes develop and implement solid and hazardous waste programs.

### ***Natural Resources***

The management of natural resources is as precious of an obligation as there exists in Indian Country. However, the tribes are facing a funding crisis that threatens their ability to support basic natural resource management obligations and responsibilities, which threatens the treaty rights of the tribes.

- Funding for both **Water Resources and Water Rights** should be restored to no less than FY 2003 enacted levels in FY 2010 (*Bureau of Indian Affairs*).
- Funding for **BIA Endangered Species Program** in FY 2010 should be no less than the FY 2002 enacted level (*Bureau of Indian Affairs*).
- Provide \$50 million for **Tribal Management/Development** (*Bureau of Indian Affairs*).
- Restore base funding for **Rights Protection Implementation** to at least the FY 2004 enacted level (*Bureau of Indian Affairs*).
- Provide \$3 million for **invasive species** (*Bureau of Indian Affairs*).

### ***Indian Land Consolidation***

Land consolidation is critical for addressing trust management problems created by fractionation. Over 5 million acres of Indian owned land is locked up in unproductive status because the ownership of each tract is divided among dozens, hundreds or thousands of owners. Consolidation of these tracts into tribal ownership results in immediate economic gains by putting the land into productive use, but also in creating new opportunities for commercial development and tribal government construction.

- Provide \$145 million for **Indian Land Consolidation** (*Department of Interior*).

### ***Energy***

The development of tribal economies will have a major positive economic impact on neighboring county and regional economies. With a policy backdrop reflective of Indian self-determination and self-governance, and with significant future demand for greater domestic production from all developable energy resources, Indian tribal energy has the potential for lifting undeveloped tribal economies out of poverty and creating a foundation for sustainable development far into the future.

- Provide \$10 million for **Program Budget Request** for the Office of Indian Energy Policy and Programs (*Department of Energy*).
- Provide \$5 million for the **Ee/Re Indian Program** - First Steps and Initial Renewable Resource Assessment and Development Feasibility Projects (*Department of Energy*).
- Provide \$5 million for the **Continuation of Tribal Energy Efficiency and Conservation Initiative** (*Department of Energy*).
- Provide \$5 million for the **High Potential Renewable Energy Development Projects** (*Department of Energy*).
- Provide \$200 million for the **Indian Energy Project Loan Guaranty Program** (*Department of Energy*).
- Provide \$5 million for capacity-building assistance for **Tribal Energy Resource Agreements** (*Department of Interior*).
- Increase **Resource Assessments, Economic Evaluations, and Technical Assistance Grants** for developing feasibility analysis for Indian minerals by \$10 million over FY 2009 (*Department of Interior*).

### **Housing**

American Indian Tribes, Alaska Native communities and Native Hawaiians still face some of the most deplorable housing and socio-economic conditions in the United States despite significant strides in recent years. While there have been improvements, Indian housing is still inferior when compared to all other elements of the American population.

- Provide \$854 million for **Indian Housing Block Grant (IHBG)**: IHBG funding is the lifeblood for housing development, construction, infrastructure and repair in Native communities. These funds are also important in helping Indian tribes and Tribally Designated Housing Entities (TDHEs) leverage other funds, such as low income housing tax credits. Even at its peak in FY04, the IHBG did not meet all Indian housing needs
- Provide \$100 million for **Indian Community Development Block Grant (ICDBG)**.
- Provide \$12 million for **Section 184 Guaranteed Loan Program**.
- Provide \$8 million for **Title VI Guaranteed Loan Program**.
- Provide \$5.2 million for **NAHASDA's Training and Technical Assistance Funding**.
- Provide \$20 million for **Title VIII Housing Assistance for Native Hawaiians**.
- Restore **Housing Improvement Program (HIP)** to its full FY 2006 funding level.

### **Transportation**

Indian Reservation Roads (IRR) comprise over 104,000 miles of public roads and are owned by the Bureau of Indian Affairs (BIA), Indian tribes, states and counties. These roadways are the most underdeveloped road network in the nation—yet it is the primary transportation system for all residents of and visitors to American Indian and Alaska Native communities. More than 65 percent of the system is unimproved earth and gravel, and approximately 24 percent of IRR bridges are classified as deficient. The inadequate road conditions make it very difficult for residents of tribal communities to travel to hospitals, stores, schools, and employment centers.

Transportation infrastructure is vital to tribal economies, education systems, health care and social service programs. Tribal communities are threatened by unsafe and often inaccessible roads, bridges and ferries, and suffer injury and death by driving and walking along reservation roadways at rates far above the

national average. Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on Indian reservation roads, with 7,093 lives lost. While the number of fatal crashes in the nation declined 2.2 percent during this time period, the number of fatal motor vehicle crashes per year on Indian reservations increased 52.5 percent. Significant changes and investments in Federal transportation safety programs serving Indian Country are crucial.

- Provide \$800 million for the **Indian Reservation Roads Programs (IRR)**.
- Provide \$75 million for the **Indian Reservation Roads Bridge Program**.
- Provide \$35 million for the **Indian Reservation Roads Tribal Transit Program**.
- Provide \$4.2 million for **Tribal Technical Assistance Programs (TTAPs)**.
- Provide \$150 million for the **BIA Road Maintenance Program**.

### ***Elders***

Elders are the spiritual leaders in tribal societies. Yet, Indian elders comprise the most economically disadvantaged elderly minority in the nation. Elders in Indian Country could best be provided access to essential social services and important health care information by strengthening the capacity of existing community-based programs to serve, advocate, inform, and intervene on their behalf.

- Provide \$28.875 million (for Parts A and B) and \$7.2 million for Part C as authorized in the 2006 OAA amendments under the **Title VI of the Older Americans Act**.
- Provide \$700,000 for **Title VI staff training** as a separate line item under Title IV.
- Provide \$1 million for Title VII - **Elder Abuse Awareness and Protection Demonstration Grants**.
- Provide \$1 million for the continuation of training and technical assistance to improve **Elder access to health and social services benefits** in Indian Country under Title IV.
- Provide \$150,000 for the continuation of **Diabetes Prevention Program** in Tribal Communities for Elders.

### ***Historic Preservation***

Indian Nations directly manage the preservation, maintenance, and revitalization of our culture and traditions as part of the inherent right to self-government.

- Provide \$10 million for tribal governments to operate as intended under the **Historic Preservation Fund for Tribal Historic Preservation Officer efforts**
- Provide \$4 million for **Section 10 of the Native American Graves Protection and Repatriation Act** program.
- Provide a 3.5 percent increase in the amount appropriated to museums set-aside for Native American/Native Hawaiians under the **Institute of Museum and Library Services (IMLS) Reauthorization Act**.

### ***Support for Tribal Governments***

Contract support costs as well as Tribal Priority Allocations in BIA directly support the core governmental functions of tribes. Failure to fully fund CSC penalizes tribes in the exercise of their self-determination rights under the law. TPA funds are the main resource for tribes to exercise their powers of self-governance. However, from 1998 through 2004, BIA's funding of TPA declined from 42 percent to only 33 percent of the BIA's budget.

- Fully fund **contract support costs at the Bureau of Indian Affairs and Indian Health Service.**
- Provide at least a 10 percent (\$25 million) increase over FY2009 for **Tribal Priority Allocations.**
- 100 percent full funding of **fixed (uncontrollable) costs** for the Bureau of Indian Affairs, including population growth, inflation, and tribal pay costs.
- Increase funding for **data management at the Bureau of Indian Affairs.**

### ***Conclusion***

NCAI appreciates the opportunity to provide testimony to the Indian Affairs Committee on the FY 2010 budget. The budget of the United States either does or does not support the self-determination of tribes. The recommendations in this FY 2010 Indian Country budget request are based on honoring the mutual promises between American Indian and Alaska Native tribal governments and the United States through the federal trust relationship. The recommendations are also founded on the hope and promise of self-determination: federal investment in tribal sovereignty and self-determination is not only fair and just, but it is an investment to close historic disparities in well-being through the most successful federal Indian policy in U.S. history. We look forward to working with Congress to strengthen tribal governments, improve Indian communities, and ensure the federal trust responsibilities to Indian tribes are honored in the appropriations process.